

Matthew Melamed, CSB # 260272
mmelamed@kellerrohrback.com
KELLER ROHRBACK L.L.P.
180 Grand Avenue, Suite 1380
Oakland, CA 94612
Telephone: (510) 463-3900
Fax: (510) 463-3901

Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

JOHN WADE,

Plaintiff

v.

TOYOTA MOTOR NORTH AMERICA INC.;
TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA,
INC.; TOYOTA MOTOR SALES, U.S.A., INC.;

Defendants.

FRANKLIN HUFFMAN, DANIELLE BULS,
CLAUDIA DIEZ, AND MATTHEW KULL,

Plaintiff

v.

SUBARU OF AMERICA, INC.;

Defendants

Action No. 1

No. 2:25-cv-01071-TLN-CKD

**JOINT STIPULATION TO AMEND
COMPLAINT AND EXTEND DEADLINES IN
ACTION NO. 1 AND TO VOLUNTARILY
DISMISS ACTION NO. 2 THEREAFTER;
ORDER**

Action No. 2

No. 2:25-cv-01453-TLN-JDP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiffs in the above-captioned cases, and Defendants Toyota Motor North America Inc., Toyota Motor Engineering & Manufacturing North America Inc., Toyota Motor Sales, U.S.A. Inc., in Action No. 1 (collectively, “Toyota Defendants”) and Subaru of America, Inc. in Action No. 2 (“Subaru Defendant”), have conferred and hereby stipulate as follows:

1. On April 10, 2025, Plaintiff John Wade filed Action No. 1 (*John Wade, et al., v. Toyota Motor North America Inc., et. al.*, No. 2:25-cv-01071-TLN-CKD) in this Court against the Toyota Defendants.

2. On May 23, 2025, Plaintiffs Franklin Huffman, Danielle Buls, Claudia Diez, and Matthew Kull filed Action No. 2 in this Court (*Franklin Huffman, et al., v. Subaru of America Inc.*, No. 2:25-cv-01453-TLN-JDP) against the Subaru Defendant, raising similar allegations and claims as the Plaintiffs in Action No.1.

3. Both actions (the “Related Cases”) have been assigned to The Honorable Troy L. Nunley.

4. Counsel for the parties in the Related Cases have met and conferred, and agree to the following for purposes of efficiency, judicial economy, and economy of the parties:

- Plaintiffs shall file an Amended Complaint in Action No. 1, which will include the parties to both Action No. 1 and Action No. 2, no later than 21 days following entry of the Order approving this Stipulation, and such amendment shall be without prejudice to Plaintiffs’ right to amend as a matter of course under Fed. R. Civ. P. 15(a)(1)(B);
- On the same date that Plaintiffs file an Amended Complaint in Action No. 1, Plaintiffs shall dismiss Action No. 2;
- Pending Plaintiff’s filing of the Amended Complaint in Action No. 1, the Subaru Defendant’s time to respond to the Complaint in Action No. 2 shall be extended without date and stayed, and Subaru shall no longer be required to file such a response once the dismissal of Action No. 2 is filed;
- Defendants will respond to the Amended Complaint in Action No. 1 (including the filing of Rule 12 motions to dismiss) no later than 40 days after the filing of the Amended Complaint.

- If any Defendant files a motion to dismiss, then with respect to each said motion, Plaintiffs' opposition shall be filed no later than 40 days after the motion to dismiss is filed, and each moving Defendant shall have 21 days thereafter to file a reply. Defendants agree that they will not seek to dismiss based on misjoinder grounds.
- Plaintiffs' right to amend their Amended Complaint under Fed. R. Civ. P. 15(a)(1)(B) shall not be prejudiced by the filing of the Amended Complaint as hereby stipulated.
- The Court shall defer setting the remainder of the Case Schedule until resolution of the Motion(s) to Dismiss, at which point the Parties shall confer and propose a Case Schedule.

5. Nothing in this stipulation shall prejudice any Party's rights, defenses, or claims in these proceedings, including any defenses that the Toyota Defendants or the Subaru Defendant may have to Plaintiffs' claims or class allegations.

IT IS SO STIPULATED AND AGREED.

DATED this 8th day of August ,2025.

KELLER ROHRBACK L.L.P.

MORGAN LEWIS & BOCKIUS LLP

By /s/ Matthew Melamed

By /s/ Lisa R. Weddle

Matthew Melamed, CSB # 260272
180 Grand Avenue, Suite 1380
Oakland, CA 94612
Phone: (510) 463-3900
Fax: (510) 463-3901
mmelamed@kellerrohrback.com

Lisa R. Weddle, CSB # 259050
David L. Schrader, CSB # 149638
300 South Grand Avenue, 22nd Floor
Los Angeles, CA 90071
Phone: (213) 612-2500
Fax: (213) 612-2501
lisa.weddle@morganlewis.com
david.schrader@morganlewis.com

Ryan McDevitt (pro hac vice)
1201 Third Avenue, Suite 3400
Seattle, WA 98101-3268
Phone: (206) 623-1900
Fax: (206) 623-3384
rmcdevitt@kellerrohrback.com

Counsel for Defendants Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America and Toyota Motor Sales, U.S.A., Inc.

Norjmoo Battulga, CSB # 337188
601 SW 2nd Avenue, Suite 1900
Portland, OR 97204
Phone: (971) 253-4600
Fax: (206) 623-3384
nbattulga@kellerrohrback.com

SHOOK, HARDY & BACON L.L.P.

By /s/ Amir Nassihi

Amir Nassihi, CSB # 235936
555 Mission Street, Suite 2300
San Francisco, CA 94105
Phone: (415) 544-1900
Fax: (415) 391-0281
anassihi@shb.com

Counsel for Defendant Subaru of America, Inc.

Jonathan Shub (CSB # 237708)
Benjamin F. Johns (pro hac vice)
Samantha E. Holbrook (pro hac vice)
SHUB JOHNS & HOLBROOK LLP
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
Conshohocken, PA 19428
Phone: (610) 477-8380
bjohns@shublawyers.com
sholbrook@shublawyers.com

Ethan D. Roman (pro hac vice)
WITTELS MCINTURFF PALIKOVIC
305 Broadway, 7th Floor
New York, NY 10007
Phone: (914) 775-8862
edr@wittelslaw.com

Counsel for Plaintiffs John Wade, Franklin Huffman, Danielle Buls, Claudia Diez and Matthew Kull

ORDER

Having reviewed the Parties' stipulation, and finding good cause exists for the requested relief, the Court hereby GRANTS the stipulation and establishes the following schedule:

1. Plaintiffs shall file an Amended Complaint in Action No. 1, including the parties to both Action No. 1 and Action No. 2, no later than 21 days from the entry of this Order;

2. Such amendment shall be without prejudice to Plaintiffs' right to amend as a matter of course under Fed. R. Civ. P. 15(a)(1)(B);

3. On the same date that Plaintiffs file an Amended Complaint in Action No. 1, Plaintiffs shall dismiss Action No. 2;

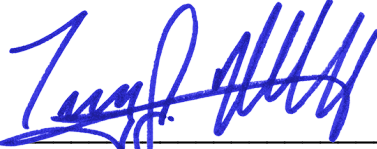
4. Pending Plaintiff's filing of the Amended Complaint in Action No. 1, the Subaru Defendant's time to respond to the original Complaint in Action No. 2 shall be extended without date and stayed, and Subaru shall no longer be required to file such a response once the dismissal of Action No. 2 is filed;

5. Defendants will respond to the Amended Complaint no later than 40 days after the filing of the Amended Complaint;

6. If Defendants respond by way of motion(s) to dismiss, and Plaintiffs file opposition to the motion(s) to dismiss, such opposition shall be filed no later than 40 days from the filing of the motion(s), and Defendants shall have 21 days thereafter to file any reply.

IT IS SO ORDERED.

DATED this 14th day of August, 2025



TROY L. NUNLEY
CHIEF UNITED STATES DISTRICT JUDGE